

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

VALENTINO DIXON,

Plaintiff,

v.

CITY OF BUFFALO et al.,

Defendants.

No. 19-cv-01678 (WMS) (JJM)

**PLAINTIFF'S NOTICE OF  
SUPPLEMENTAL AUTHORITY**

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Plaintiff Valentino Dixon, by and through his attorneys, respectfully submits this Notice of Supplemental Authority to bring the Court's attention to the recent Supreme Court decision *Chiaverini v. City of Napoleon*, attached as Exhibit A, which addresses malicious-prosecution claims in § 1983 cases and was issued after summary-judgment briefing was complete.

In summary-judgment briefing, Defendants argued that Plaintiff's malicious-prosecution claim should fail because while all of Plaintiff's convictions have been vacated and most charges have been dismissed, *one* charge (a weapons charge) remains pending. D.E. 191 (City Reply) at 10. Plaintiff argued the opposite, that malicious-prosecution claims are analyzed on a charge-by-charge basis. D.E. 180 (Plaintiff's Response) at 15–16 & n.6. While the logic of Supreme Court and Second Circuit precedent compelled a charge-by-charge approach, Plaintiff explicitly noted that the Supreme Court's opinions had, to that point, used the word "prosecution," not "charge." That is no longer the case: *Chiaverini* held explicitly that "courts should evaluate suits like Chiaverini's charge by charge." Ex. A at 5. And the Court explicitly rejected the argument that a "valid charge" can "insulate" a defendant "from a Fourth Amendment malicious-prosecution claim relating to [an] invalid charge." *Id.* at 1.

Accordingly, the analysis on pages 15–16 of Plaintiff’s response brief (D.E. 180) governs the malicious-prosecution claims, not the alternative analysis on pages 17–21.

DATED: July 10, 2024

Respectfully submitted,

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